HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.11711 OF 2006

Between:

Nalabolu Govinda Roy Vishnuvu

..... Petitioner

AND

The Government of Andhra Pradesh
Rep. by its Secretary,
Panchayat Raj & Rural Development,
Hyderabad
& others.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Smt. K. Sesharajyam

Counsel for the Respondents : Government Pleader for Panchayat Raj & Rural Development

Dated: 02.08.2006

Per G.S.SINGHVI, CJ

In this petition, Shri Nalabolu Govinda Roy Vishnuvu, who has claimed himself to be State Level Telugu Yuvatha Secretary of Telugu Desam Party, has prayed for issue of a writ of mandamus to the respondents to include his name in the voters' list of 108 Vinukonda Assembly Constituency and allow him to participate in the election for the office of Chairman of Guntur Zilla Praja Parishad Territorial Constituency, Epuru Mandal.

Although counter-affidavit has not been filed on behalf of the respondents, we do not consider it necessary and proper to defer adjudication of the writ petition because after hearing learned counsel for the petitioner, we are convinced that relief in terms of the prayer made in the petition cannot be granted.

Insofar as the petitioner's prayer for inclusion of his name in the voters' list of assembly constituency is concerned, the material placed on the record of the writ petition does not show that his application has been rejected by the competent authority. It is, therefore, open to him to pursue his cause before the competent authority constituted under the Representation of Peoples Act, 1950.

However, the petitioner's prayer for directing the respondents to allow him to participate in the election for Zilla Parishad Territorial Constituency is liable to be rejected because, as per his own assertion, his name has not been included in the voters' list of the village concerned and no application is shown to have been filed or claim has been lodged by him in terms of

proviso to Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 read with Rule 6 of the Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 after publication of the voters' list for Gram Panchayats.

For the reasons stated above, the writ petition is dismissed as premature insofar as the petitioner's claim for inclusion of his name in the voters' list of assembly constituency is concerned and the same is dismissed on merits in regard to his prayer for being allowed to contest in the election for Guntur Zilla Praja Parishad Territorial Constituency, Epur Mandal.

As a sequel to dismissal of the writ petition, W.P.M.P.No.14561 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

02.08.2006
ksld/svs